

**MINUTES OF THE
STATE WATER DEVELOPMENT COMMISSION**
Tuesday, October 21, 2008 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Rep. Patrick L. Painter, House Chair
Sen. Dennis E. Stowell, Senate Chair
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Scott K. Jenkins
Rep. Ben C. Ferry
Rep. Kerry W. Gibson
Rep. James R. Gowans
Rep. Brad King
Rep. Michael E. Noel
Commissioner Leonard Blackham
Mr. Tage Flint
Mr. Brad Hancock
Mr. Dallin Jensen
Mr. Darrell Mensel
Mr. Warren Peterson

Mr. Michael Styler

Mr. Ron Thompson

Members Absent:

Mr. Larry Anhder
Mr. Don Christiansen
Mr. Chris Fullmer
Mr. Irvin Haws
Mr. Michael Mower
Mr. Rick Sprott
Mr. David Ure

Staff Present:

Brian Allred, Policy Analyst
Emily R. Brown, Associate General Counsel
Glenda S. Whitney, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stowell called the meeting to order at 9:10 a.m. Mr. Fullmer was excused from attending the meeting.

Mr. Peterson suggested the minutes of the September 25, 2007 meeting be amended as follows:

Item 4, after "23 percent" insert "of the upper Colorado allocation"

Item 5, on Chair Painter's comments, to delete the word "protested" and insert "denied"

MOTION: Mr. Peterson moved to amend and approve the minutes of the September 25, 2007 and December 5, 2007 minutes. The motion passed unanimously. Sen. Davis, Sen. Jenkins, Rep. Ferry, and Rep. Gibson were absent for the vote.

2. Beryl/enterprise Update

Mr. Jerry Olds, Director, Division of Water Rights, distributed a handout, "Briefing Paper for the Utah Legislature Executive Appropriations Committee Regarding Ground Water Management Planning in Beryl-Enterprise Utah April 7, 2008" and gave an overview of the Beryl-Enterprise ground water system.

Mr. LaDel Laub, Executive Secretary, Escalante Valley Water Users Association, and Mayor Lee Bracken, City of Enterprise, distributed a handout, "Proposed Ground Water Management Plan Beryl-Enterprise Area" and reviewed the Beryl-Enterprise proposed ground water plan.

3. Indian Tribe Water Rights Negotiations

Mr. Olds gave an update on water rights negotiations with Indian Tribes. He said the Division is in active negotiations with the Indian tribes.

4. Adjudication of Water Rights in Tooele County

Mr. Olds distributed a handout, "Adjudication 15-3 ERDA/Lakepoint Subdivision" and gave an overview and summary of each disallowed water right.

MOTION: Mr. Jensen moved that the Commission support the adjudication process with the caveat that it is up to the Legislature to decide how to fund it and how aggressively to pursue adjudication. The motion passed unanimously with Rep. Gowans and Rep. King absent for the vote.

5. Lake Powell Pipeline Update

Mr. Dennis Strong, Director, Division of Water Resources, and Mr. Ron Thompson, General Manager, Washington County Water Conservancy District, presented a slide presentation, "Washington County Water Conservancy District" and gave an update on the Lake Powell pipeline project, its cost, and timeline. A copy of the slide presentation was provided to the Commission.

6. Colorado River - Potential Projects and Storage

Mr. Kevin Carter, Director, School and Institutional Trust Lands Administration, presented a slide presentation, "State Water Development Commission - Colorado Drainage System" and gave an overview of potential projects on the Colorado River. A copy of the slide presentation was provided to the Commission.

Mr. Strong presented a slide presentation on the "Colorado River System" and gave an overview on the Colorado River storage. He discussed how Utah is using the Colorado River allocation and its potential future uses. A copy of the slide presentation was provided to the Commission.

7. Other Business / Adjourn

Rep. Ferry and Rep. Painter commented on the activities of the Executive Water Task Force and its discussion of adding a deed rider to the conveyance of property when a water right is involved.

MOTION: Mr. Thompson moved that the issue be placed on the agenda at the next commission meeting. The motion passed unanimously with Sen. Davis, Sen. Dmitrich, Rep. Gowans, Rep. King, and Mr. Peterson absent for the vote.

Rep. Painter asked by a raise of hands of those on the commission who supported the concept of requiring water right notification through a deed rider. Sen. Jenkins was in opposition. Sen. Davis, Sen. Dmitrich, Rep. Gowans, Rep. King, and Mr. Peterson were absent.

Sen. Jenkins commented on proposed legislation he is current drafting on the issue of harvesting rainwater.

Mr. Boyd Clayton, Assistant State Engineer, Technical Services, Division of Water Rights, Department of Natural Resources, commented on the issue of rainwater harvesting.

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MOTION: Commissioner Blackham moved to adjourn the meeting. The motion passed unanimously with Sen. Davis, Sen. Dmitrich, Rep. Gowans, Rep. King, and Mr. Peterson absent for the vote.

Chair Stowell adjourned the meeting at 11:29 a.m.